IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Revision No. 5953 of 2007
Date of decision : November 19, 2007

Puran Singh

....Petitioner

versus

Murari Lal and others

....Respondents

Coram: Hon'ble Mr. Justice Pritam Pal

Present : Mr. Rakesh Nehra, Advocate, for the petitioner

Pritam Pal,J. (Oral)

Petitioner has brought this revision petition under Article 227 of the Constitution of India for setting aside the impugned order dated 12.9.2007 passed by Additional Civil Judge (Sr. Division), Jhajjar vide which application of the petitioner for leading the secondary evidence has been declined.

Learned counsel for the petitioner contends that the application of the petitioner for leading secondary evidence has been simply declined on the ground that photostat copy of the sale deed which has been executed but not registered, had been placed on the file. Learned counsel further contends that, in fact, attested copy of the same is in the custody of the petitioner and it shall be placed on the file at the time of leading secondary evidence. The original executed sale deed was in the custody of Vijay Kumar owner of the house and the same has been lost. As such, the

necessity has arisen to prove the same by leading secondary evidence through the attested copy of the same, which has already been obtained from the office of Registrar. Learned counsel further contends that the case before the trial court is still fixed for recording evidence of the petitioner.

After hearing the learned counsel for the petitioner and going through the impugned order, I feel that no notice is required to be issued to the respondents and in the given facts and circumstances, this petition is disposed of with a direction that petitioner shall be given one effective opportunity to lead his entire secondary evidence in order to prove the execution of sale deed which was executed on 9.8.2001, subject to payment of costs of Rs 5000/-.

(Pritam Pal)
Judge

November 19, 2007
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